

ORIGINAL

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**FILED**

DISTRICT COURT OF GUAM

SEP 22 2005

MARY L.M. MORAN  
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MAX S. MENDIOLA, )  
 )  
Defendant. )

CRIMINAL CASE NO. 04-00056

**GOVERNMENT'S MOTION FOR A  
ONE-LEVEL DEPARTURE**

The United States adopted the findings of the Presentence Report in this matter on April 12, 2005. The government, however, overlooked the fact that defendant is entitled to a one-level departure pursuant to Guidelines § 3E1.1(b). Accordingly, the United States hereby moves this Honorable Court for a one level departure downward from the guidelines sentencing level pursuant to USSG § 3E1.1(b) because the defendant timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial

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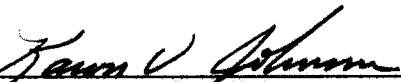
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1 and permitting the court to allocate its resources efficiently. Defendant's present level is 30. A  
2 one-level reduction will result in a total offense level of 29, with a Guidelines range of 87-108  
3 months. The government will be recommending a sentence of 87 months.

4 RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of September, 2005.

5 LEONARDO M. RAPADAS  
6 United States Attorney  
7 Districts of Guam and the CNMI

8 By:   
9 KARON V. JOHNSON  
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